

REMARKS/ARGUMENTS

Claims 1, 4-7, 9-12, 15-18, 20-25, 27-29, and 32-41 are pending in the present application. Claims 1, 12, 23, 24, 29, 34, 35 and 36 are independent claims. Reconsideration and allowance of the application is requested in view of the remarks submitted herewith.

Rejections under 35 U.S.C. 103(a) over Ahmad in view of Kleinfelter

Claims 1, 4-7, 9-12, 15-18, 20-25, 27-29, and 32-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2002/0082029 (“Ahmad”) in view of U.S. Publication No. 2005/0094779 (“Kleinfelter”). The Applicants respectfully traverse this art grounds of rejection.

As discussed in previous responses filed by the Applicants, one particular aspect of Ahmad’s disclosure is directed to a hybrid mobile station (HMS) that engages in a data call (i.e., a 1x EV-DO session) during which a calling party attempts to establish a voice call with the HMS (e.g., [0038], Ahmad). In this case, the user of the HMS is notified of the voice call via an Internet Call-Waiting Server (ICWS) 238, which is alternatively described by Ahmad as an Internet Call Delivery Server (ICDS) 238. *Id.* The ICWS 238 is described as delivering data over the Internet to the access network controller (ANC), which then transmits the data (i.e., the call announcement of the voice call) to the target HMS over a wireless link as packet data. *Id.*

The above-described process is dependent upon the target HMS being a subscriber to the service (i.e., the IP voice-call forwarding service) that has registered with the ICWS 238. The following excerpt of Ahmad is the entirety of Ahmad’s disclosure related to this registration:

... the user of the HMS must be a subscriber of such service and typically must register over the Internet with the ICWS for the Internet call-waiting notification
(e.g., [0039], Ahmad)

The Examiner is relying on the above-excerpt of Ahmad for disclosing the claim limitation of “transmitting a registration request, from the wireless communications device, over the packet data session to a voice message server to enable the wireless communications device to receive a notification from the voice message server of an incoming call from a circuit-switched network, the registration request including connection information identifying the wireless communications device” as recited in independent claim 1 and similarly recited in independent claims 12, 23, 24, 29, 34, 35 and 36. As will now be explained, the Applicants

believe that the Examiner is making a number of improper, non-inherent assumptions regarding how registrations are performed in Ahmad.

Firstly, consider the claim language of “transmitting a registration request, from the wireless communications device …” as recited in independent claim 1, for example (Emphasis added). Ahmad simply states that the user must register with the ICWS over the Internet for call-waiting notifications. However, it is not inherent, or necessarily obvious, that the user would use the HMS itself to achieve this registration. The user could simply sign up for the call-waiting service when purchasing the HMS (e.g., over the Internet using a desktop computer, at a retail store, etc.). Thus, from the Applicants’ review of Ahmad, it does not appear necessary for the user to register with the ICWS with the HMS itself. The Examiner’s comments regarding this claim limitation on Page 2 of the Office Action also simply state that the “user of the hybrid mobile station must register …”, which actually tying the user’s registration to the HMS itself (e.g., see Page 2 of the Office Action).

Secondly, consider the claim language of “transmitting a registration request, from the wireless communications device, over the packet data session to a voice message server …” as recited in independent claim 1, for example (Emphasis added). Ahmad at [0039] simply states that the user must register with the ICWS over the Internet for call-waiting notifications. However, Ahmad is silent regarding when the user must perform this registration. The registration is not disclosed by Ahmad as being an intra-session registration, for example, and could very well occur prior to the data call being set-up. For example, the user could register for call-waiting service from the ICWS at any point before the data session so that, in the event that a future data session is established and an incoming call is attempted during the data session, the user is notified via the ICWS at the HMS. Thus, the registration referred to by Ahmad need not be based on a registration request that is transmitted “over the packet data session” as claimed.

Thirdly, consider the claim language of “transmitting a registration request, from the wireless communications device, over the packet data session to a voice message server to enable the wireless communications device to receive a notification from the voice message server of an incoming call from a circuit-switched network, the registration request including connection information identifying the wireless communications device” as recited in independent claim 1, for example (Emphasis added). Clearly, the ICWS is able to obtain contact information of the HMS before the call-announcement of the 1x voice-call is delivered to the

HMS during the data session as described at [0038]-[0039] of Ahmad. However, nothing in Ahmad suggests that this contact information is conveyed to the ICWS within the message that is sent to invoke registration of the HMS. As an alternative to registration-embedded contact information, the Applicants point out that the ICWS could simply be expected to query a DNS server to obtain the HMS's contact information (e.g., such as an IP address). Accordingly, the manner in which the ICWS of Ahmad determines the address or contact information of the HMS for forwarding the voice call-announcement from the MSC is not necessarily based on "the registration request including connection information identifying the wireless communications device" as claimed. The Examiner's comments regarding this claim limitation on Page 2 of the Office Action state that "it would have been obvious that the registration request including connection information" (e.g., see Page 2 of the Office Action). However, the Examiner does not appear to have considered that there are other ways that the ICSW could obtain the HMS's contact information, and nothing in Ahmad discloses or suggests the contact information need be obtained from the HMS, let alone within a registration request from the HMS.

Further, the Applicants agree with the Examiner's admission that "Ahmad does not explicitly teach enabling the wireless communications device to receive a notification from the voice message server" (e.g., see Page 3 of the Office Action). However, the Examiner cites to Kleinfelter and alleges that Kleinfelter cures this particular deficiency of Ahmad. Kleinfelter is directed to transferring a voicemail indicator signal to a subscriber device. Firstly, Kleinfelter's voicemail disclosure appears related to a previous call that failed and resulted in a voicemail being left with the server, not an "incoming call" as claimed. Secondly, even if Kleinfelter cures the particular deficiency of Ahmad as noted above, Kleinfelter fails to cure the other deficiencies of Ahmad as discussed above.

In view of the above remarks, the Applicants submits that each of independent claims 1, 12, 23, 24, 29, 34, 35 and 36 are allowable over the combination of Ahmad in view of Kleinfelter.

As such, claims 4-7, 9-11, 15-18, 20-22, 25, 27-28, 32-33 and 37-39, dependent upon independent claims 1, 12, 24, 29, respectively, are likewise allowable over Ahmad in view of Kleinfelter at least for the reasons given above with respect to the independent claims.

The Applicants respectfully request that the Examiner withdraw this art grounds of rejection.

The Applicants will now discuss reasons why certain dependent claims should be allowed over Ahmad in view of Kleinfelter in more detail.

The Applicants direct the Examiner to claim 4, which recites “wherein the registration comprises communicating from the wireless communications device with the voice message server using a session key”. The Examiner alleges that “Ahmad teaches the user of a session key” (e.g., Page 3 of the Office Action). Respectfully, the Applicants have reviewed Ahmad and find no mention of any type of session key. Further, the Applicants have shown in the above-remarks that the user of the HMS does not even necessarily register with the ICWS during the data session, but could rather pre-register with the ICWS for call-waiting notifications before the data session is established in the first place. As will be appreciated, this type of pre-registration would not be dependent on any type of session key because no session key would be established at that point.

Further, the Applicants direct the Examiner to claim 9, which recites “sending a reply from the wireless communications device to the voice message server in response to the notification”. Ahmad discusses potential HMS-replies to the 1x voice-call announcement that is sent from the ICWS via the ANC over the packet-network as “[t]he subscriber may then choose to accept the voice call as a voice over IP call, suspend the data session with the data network (e.g., 1xEODO) and transition to a voice (e.g., 1xRTT) mode to receive and respond to pages and to accept the call or reject the call” (e.g., Ahmad, [0039]). The Applicants note that none of these options necessarily involve the ICWS, upon which the Examiner is reading the claimed “voice message server”. For example, if the subscriber of the HMS opts to set-up the call as VoIP, this could be accomplished via the ANC without involving the ICWS. Alternatively, if the subscriber of the HMS opts to set-up the call via 1x, the ICWS is likely to be bypassed entirely because the HMS is going to transition to the legacy 1x (circuit-switched) network. In either case, Ahmad does not appear to require that a reply to the call-announcement be conveyed to the “voice message server” (ICWS) as claimed.

For at least these additional reasons, an indication of allowance is respectfully requested for claims 4 and 9 (as well as the claims dependent thereon and other dependent claims with similar recitations).

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CONCLUSION

In light of the amendments contained herein, the Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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